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June 18, 2023

VIA ECF

The Honorable Katharine H. Parker  
United States Magistrate Judge  
Daniel Patrick Moynihan Courthouse  
500 Pearl Street  
New York, New York 10007

RE: *Kleeberg et al. v. Eber et al.*

Civ. Action No. 16-cv-9517 (LAK)(KHP)

- Letter Motion Requesting Extension of Time to Respond to Plaintiffs' Motion For Sanctions

Dear Judge Parker:

I am counsel for myself as a defendant in the above-referenced matter. I write to request that the Court permit me a 55-day extension of time, to August 14, 2023, to respond to the Plaintiffs' Motion For Sanctions dated June 12, 2023, against me.

Pursuant to Rule 6.1 of the Local Rules of the United States Courts of the Southern and Eastern Districts of New York, my original deadline to respond to the Plaintiffs' motion brought under Federal Rule of Civil Procedure 37 is June 20, 2023. A 55-day extension of time would bring my new deadline to August 14, 2023.

I am representing myself in connection with this motion. I am a solo practitioner. I am a corporate attorney, not a litigator. I live in the San Francisco, CA area. I am already committed to be out of the San Francisco area from June 21 through June 26. I am also committed to be out of the country from July 12 through August 6. I have incurred financial commitments in connection with the foregoing absences. I request an extension of time to a later date to allow me enough time to adequately respond to Plaintiffs' motion.

On June 15, 2023, I received, via ECF, a letter dated June 15, 2023, from Conners LLP, new counsel for Underberg & Kessler, LLP, requesting an extension of time to respond to Plaintiffs' Motion For Sanctions from June 20, 2023, to August

4, 2023. I never had any communications from Conners LLP prior to its submission of its letter requesting an extension of time. They did not coordinate their extension request with my schedule as well.

I have contacted counsel for Underberg & Kessler, and they consent to my request for an extension of time for me to respond to August 14, 2023.

I have contacted Brian Brook, Plaintiffs' counsel, and he has objected to my request for an extension of time for me to respond beyond August 4, 2023, even though I will not be in the country at that time.

I note that, in connection with the filing of this motion, Mr Brook sought and received two extensions of time to file, neither of which was opposed by Defendants. If he had filed his motion by the original deadline, I would not have to be asking for an additional 10 days of extension myself.

Also, Mr. Brook has requested numerous extensions of time to file throughout this entire case, which have routinely been granted and not opposed by Defendants.

Thank you for your consideration of this request.

Respectfully,

/s/ John S. Herbert  
John S. Herbert

Cc: All counsel of record (via ECF)